

EXECUTIVE OFFICE OF THE PRESIDENT
NATIONAL SECURITY COUNCIL
WASHINGTON

~~RESTRICTED~~

July 2, 1951

MEMORANDUM FOR THE SENIOR NSC STAFF

SUBJECT: Minimum Standards for the Handling and Transmission
of Classified Information

REFERENCES: Memo for NSC from Executive Secretary, same subject,
dated June 19, 1951

The enclosed memorandum on the subject by the Senior Defense Member, together with a proposed revision of the draft executive order circulated by the reference memorandum, is transmitted herewith at the request of the Senior Defense Member for the consideration of the Senior NSC Staff at an early meeting.

JAMES S. LAY, Jr.
Executive Secretary

~~RESTRICTED~~

D R A F T

FOR NSC STAFF CONSIDERATION ONLY

RESTRICTED

(Senior Staff)

COPY

OFFICE OF THE SECRETARY OF DEFENSE
Washington, 25, D. C.

June 29, 1951

MEMORANDUM FOR THE EXECUTIVE SECRETARY
NATIONAL SECURITY COUNCIL

SUBJECT: Minimum Standards for the Handling and Transmission of
Classified Information.

The working level representatives of the Department of Defense who are concerned with this subject have reviewed the draft executive order and have recommended certain changes which they consider essential to make it acceptable to the Department of Defense. Attached hereto is a memorandum which sets forth in detail the justification for the recommended changes together with a redraft of the executive order incorporating the changes suggested. It is requested that this enclosure be circulated to the members of the Senior Staff for their consideration.

/S/ FRANK NASH

FRANK NASH

RESTRICTED

D R A F T

D R A F T

RESTRICTED

FOR NSC STAFF CONSIDERATION ONLY

(SENIOR STAFF)

E N C L O S U R E " A "

1. There are two basic principles given expression in the re-draft, by members of the White House Staff and the Bureau of the Budget, of "Minimum Standards for the Handling and Transmission of Classified Information" with which the Defense Department disagrees. In addition, there is a third basic consideration of major importance to the Defense Department which has come to light after preparation and submission of the ICIS draft and its detailed review by the Departments of the Army, Navy and Air Force, the Munitions Board and Research and Development Board. Consequently, the same omission has been carried over to the "White House-Budget" re-draft. These three matters are identified under "a," "b" and "c," following, and each is discussed separately:

a. The addition of the word "Security" to the categories "Top Secret," "Secret," "Confidential" and "Restricted" and the requirement that it be used as part of the actual "marking."

b. The exemption of intelligence and investigative branches of departments and agencies from the requirement for transmission of "Top Secret" security information by direct contact of officials concerned, by specifically designated personnel, by State Department diplomatic pouch, by a messenger-courier system specially created for that purpose, or by electric means in encrypted form.

c. An operational requirement for authority to transmit security material classified "Secret" or lower by Canadian registered mail or by protected commercial express, air or surface.

D R A F TFOR NSC STAFF CONSIDERATION ONLY

RESTRICTED

2. The following is a discussion of sub-paragraphs a, b and c, respectively, of paragraph 1, above.

a. The repeated use of the word "Security" throughout the regulations in context with "Top Secret," "Secret," "Confidential" and "Restricted" is a valuable improvement since it serves constantly to emphasize and stress the fact that the regulations are in the sole interest of security. The value of this emphasis would be preserved and, in fact, enhanced by not requiring the addition of the word "Security" to the four classification categories or its use in the actual marking of security information. For example, wherever the text now makes such references as "'Top Secret Security' information" or "'Confidential Security' material" it should read "'Top Secret' security information" and "'Confidential' security material" for the reasons indicated below:

(1) The classification categories "Top Secret," "Secret," "Confidential" and "Restricted," as currently used by the Defense Department and some other departments as well, are in the public domain by having been repeatedly used in the press and periodicals over a number of years. To add the word "Security" at this time to published regulations would have at least two adverse effects. First, however unintentionally, it would imply that these terms, already familiar to the public, could be used without the word "Security" for preventing disclosure of government information for other than security purposes since there is no specific prohibition of their use.

D R A F T

RESTRICTED

FOR NSC STAFF CONSIDERATION ONLY

Second, it would not be consistent to add any prohibition to the regulations against the use of these specific terms for other than security reasons since to do so would imply that they had been so misused in the past. Such an implication is unacceptable to the Defense Department. Furthermore, unnecessarily to invite adverse press and radio comment which challenged the integrity of government security procedures, past or present, would of itself be detrimental to the national security.

(2) There would be a large and unwarranted expenditure of manpower and public funds in the administrative implementation of the changed procedures. This would result from the time-consuming procedure of re-marking existing material, the procurement cost of stamps and printing, the cost of changing and re-publishing existing regulations, etc. Admittedly, a portion of such administrative expense could be saved by modifying the requirement for re-marking "Top Secret" and "Secret" material in storage to coincide with that provided for "Confidential" and "Restricted"; i.e., that it need only be so re-marked when taken out of storage or file for current use. Nevertheless, the remaining implementing procedures would be costly and unwarranted.

(3) Over a period of years, as a result of U. S. efforts and in spite of reluctance and resistance, agreements have been entered into with the United Kingdom, Canada, France and other

D R A F TFOR NSC STAFF CONSIDERATION ONLY

RESTRICTED

allies covering the standardization of security markings and definitions. Proposals to change these, in the absence of cogent reasons would be detrimental to our international defense relationships.

b. Paragraph 34, b., (1), (b), page 21, authorizes an investigative or intelligence branch of a department or agency of the United States to transmit "Top Secret Security" information in its possession, which is transmitted only within its own branch, to do so by any means currently approved by the head of such branch. The Defense Department holds strongly to the view that "Top Secret" security information is of such vital importance that its transmission throughout the Executive Branch of the Government should be in accordance with the uniform minimum standards established for all departments and agencies without exception. However, if for justifiable cause not now apparent to the Defense Department, it can be shown to be necessary to exempt the investigative and intelligence branches outside the Defense Department then the exemption should only apply to "Top Secret" security information "originated by" and not that "in possession of" such branches. The Defense Department cannot agree to the re-transmission of any "Top Secret" security information which it has originated and furnished to another agency by any other than the uniform minimum standards provided for in the regulations for all departments and agencies not coming under the "investigative and intelligence branch" exception.

D R A F TFOR NSC STAFF CONSIDERATION ONLY

RESTRICTED

c. Owing to the existence in Canada of United States installations and joint training projects, it has become necessary to authorize the transmission of "Secret" security information to and between them via Canadian registered mail, with a receipt system, in addition to utilizing United States registered mail.

Also, the ICIS and consequently the "White House-Budget" versions of these regulations, fail to provide for transmission by protected commercial express, air or surface, such "Secret" security materials, the unit size and weight of which make them ineligible for transmission by registered mail and which are incapable of or impracticable for further disassembly or breakdown. Commercial railway express has been used by the Defense Department, under contracts providing for suitable protection for a number of years. For this purpose, the protected commercial express system is considered to be of comparable security to the United States registered mail system.

3. A further consideration which, while not of a basic policy nature, relates to the "Additional Markings" provided for in paragraph 33, c., page 19, of the regulations. Since these regulations are applicable only within the Executive Branch of the Government, it is considered desirable that the provision for notation of reference to the espionage laws, as quoted, be made applicable not only to classified security information furnished authorized persons not in the federal service, but also when such information is furnished to persons in federal service but outside the Executive Branch.

D R A F T

RESTRICTED

FOR NSC STAFF CONSIDERATION ONLY

4. Appendix "A," hereto, is a revised draft of the proposed regulations which shows all changes, additions and deletions necessary to bring the document into consonance with the Defense Department position as discussed herein.

D R A F T

FOR NSC STAFF CONSIDERATION ONLY

RESTRICTED

A P P E N D I X " A "

June 27, 1951

DRAFT

EXECUTIVE ORDER

PREScribing REGULATIONS ESTABLISHING MINIMUM
STANDARDS FOR THE CLASSIFICATION, TRANSMISSION
AND HANDLING OF OFFICIAL INFORMATION RELATING
TO THE SECURITY OF THE NATION.

WHEREAS it is necessary, in order to protect the national security of the United States, to establish a system for the safeguarding of official information, the unauthorized disclosure of which would or could harm, tend to impair or otherwise threaten the security of the Nation; and

WHEREAS it is desirable and proper that the minimum standards for procedures, designed to protect the national security against such unauthorized disclosure, should be uniformly applicable to all departments and agencies of the Executive Branch of the Government and should be known to and understood by those who deal with the Federal Government; and

WHEREAS the furnishing of full information to the public about government activities will be enhanced by the clear identification of those matters whose safeguarding is required by national security;

NOW, THEREFORE, I, by virtue of the authority vested in me by the Constitution and statutes, as President of the United States, hereby prescribe the following regulations establishing minimum standards for the classification, transmission and handling of classified information within the Executive Branch of the Federal Government for the purpose of safeguarding against unauthorized disclosure of official information upon which the security of the Nation rests or depends.

RESTRICTED

APPENDIX "A"

D R A F TFOR NSC STAFF CONSIDERATION ONLY

RESTRICTED

These regulations shall be applicable throughout the Executive Branch of the Government to the extent not inconsistent with law. Nothing in these regulations shall be construed to replace, change, or otherwise be applicable with respect to any material or information protected against disclosure by any statute. Nothing in these regulations shall be construed to authorize the dissemination, release, handling or transmission of classified information contrary to the provisions of any law, Executive Order, or Presidential directive which restricts the dissemination, release, handling, or transmission of such information.

These regulations shall take effect thirty days after publication in the Federal Register and I call upon all citizens of the United States who may have cause to know about or have access to classified information, to observe the same standards and to join with the Federal Government in a concerted and continuing effort to prevent disclosure, to those who are inimical to the interests of the United States, of information the dissemination of which to such persons would be detrimental to the security of our Nation.

PART I -- GENERAL

1. PURPOSE - The sole purpose of these regulations is to provide minimum standards for identifying and protecting information the safeguarding of which is necessary in order to protect the national security.
2. SCOPE - These regulations shall apply only to classified security information as defined in paragraph 5 of Part II hereof, and the terms "classified security information," "security classification," "classify," "declassify," "downgrade," "upgrade," "appropriate classifying authority"

RESTRICTED

D R A F TFOR NSC STAFF CONSIDERATION ONLY

RESTRICTED

and "marking" apply or relate only to official information of the United States Government which requires safeguarding in order to protect the national security.

3. CATEGORIES OF CLASSIFIED SECURITY INFORMATION - There shall be four categories of classified security information which, in descending order or importance to national security, shall carry the following designations: "Top Secret ~~Security~~"; "Secret ~~Security~~"; "Confidential ~~Security~~"; and "Restricted ~~Security~~." No other classification or classifications shall be used to designate classified security information.

4. NON-SECURITY INFORMATION - Nothing in these regulations shall apply to information, official or otherwise, not requiring the special procedural safeguards provided by these regulations in the interest of the security of our Nation. The use of any one of the four security classifications herein prescribed shall be strictly limited to classified security information. Non-security information distributed in advance of a release date for official use or for analysis by any individual or group of individuals shall not, after the effective date of this order, be given a security classification but may be so marked as to indicate that general release is not authorized prior to a specified date or occasion.

PART II -- DEFINITIONS

5. CLASSIFIED SECURITY INFORMATION - The term "classified security information" as used herein means only official information the safeguarding of which is necessary in the interest of national security.

RESTRICTED

D R A F TFOR NSC STAFF CONSIDERATION ONLYRESTRICTED

6. INFORMATION - The term "information" as used herein means knowledge which can be communicated, either orally or by means of material.
7. MATERIAL - The term "material" as used herein means any document, product or substance on or in which information may be recorded or embodied.
8. DOCUMENT - The term "document" as used herein means any recorded information regardless of its physical form or characteristics, and includes but is not limited to the following: (1) written material whether handwritten, printed, or typed; (2) all painted, drawn or engraved material; (3) all sound or voice recordings; (4) all printed photographs and exposed or printed film, still or moving; and (5) all reproductions of the foregoing by whatever process.
9. PRODUCT AND SUBSTANCE - The terms "product" and "substance" as used herein mean any item of material (other than documents) from which information may be obtained; apply to items in all stages of development, processing or construction; and include elements, ingredients, components, accessories, fixtures, dies, models and mock-ups associated with such items.
10. AGENCY - The term "agency" as used herein means any department or establishment within the Executive Branch, including any government corporation that is operated as an instrumentality of the Federal Government.
11. UNCLASSIFIED INFORMATION - The term "unclassified information" as used herein means information not requiring the procedural safeguards provided by these regulations and therefore not included in one of the aforementioned security classifications.
12. CRYPTOGRAPHIC SYSTEM - The term "cryptographic system" as used herein means any document, product or method employed to change information

RESTRICTED

D R A F TFOR NSC STAFF CONSIDERATION ONLY

RESTRICTED

from plain language form to unintelligible form or to change the resulting cryptographed information into plain language form.

13. SERIAL MATTER - The term "serial matter" as used herein means that to which a serial number is assigned and which is accounted for at prescribed intervals and upon specified occasions.

14. TELEGRAM - The term "telegram" as used herein means any document recording information for transmission by telegraph, telephone, cable, radio or other electrical means of transmission.

15. CLASSIFY - The term "classify" as used herein means to assign information to one of the four security classification categories after determination has been made that the information requires the security protection provided by these regulations.

16. SECURITY CLASSIFICATION - The term "security classification" as used herein means the category into which information falls after being classified as specified in paragraph 3 of Part I hereof. Extreme care shall be exercised to insure that a particular security classification is assigned only to such information as requires the degree of protection made applicable by these regulations to that classification.

17. DECLASSIFY - The term "declassify" as used herein means to remove the security classification.

18. DOWNGRADE - The term "downgrade" as used herein means to assign a lower security classification than that previously assigned.

19. UPGRADE - The term "upgrade" as used herein means to assign a higher security classification than that previously assigned.

20. APPROPRIATE CLASSIFYING AUTHORITY

a. In General. The term "appropriate classifying authority" as used

D R A F TFOR NSC STAFF CONSIDERATION ONLY

RESTRICTED

herein means the head of the originating agency and those whom he has authorized to classify, declassify, upgrade or downgrade information pursuant to these regulations.

b. Material Officially Transferred from Originating Agency to Another Agency. In the case of information transferred, by operation of law or by Executive Order, from one agency to another for the latter's use and as part of its official files as distinguished from transfers merely for purposes of storage, the receiving agency shall be deemed to be the "appropriate classifying authority" for all purposes under these regulations.

c. Material of Defunct Agency Not Officially Transferred to Another Agency. When any agency has in its possession, on the effective date of these regulations, any classified security information which is then, or thereafter becomes, five years old and it appears (1) that such information originated in an agency which has since become defunct and whose records, files and other material have not been officially transferred to another agency within the meaning of subsection "b" above, or (2) that it is impossible for the possessing agency to identify the originating agency, and (3) a review of the information indicates that it should be downgraded or declassified, the said possessing agency shall have power under these regulations to declassify or downgrade such information. If it appears probable that another agency may have a substantial interest in the question whether the security classification of any particular information should be maintained, the possessing agency shall not exercise the power conferred upon it by this subsection until thirty days after the possessing agency has notified such other agency of the nature of the

RESTRICTED

D R A F TFOR NSC STAFF CONSIDERATION ONLY

RESTRICTED

information and of its intention to declassify or downgrade the same. During the thirty-day period the other agency may, if it so desires, express its objections to declassifying or downgrading the particular information, but the power to make the ultimate decision shall reside in the possessing agency.

21. MARKING - The term "marking" as used herein means the physical act of indicating on classified security information the assigned classification or change therein.

22. RECORD MATERIAL - The term "record material" as used herein means all books, papers, maps, photographs, or other documentary materials, regardless of physical form or characteristics, made or received by an agency of the United States Government in pursuance of Federal law or in connection with the transaction of public business and preserved or appropriated for preservation by that agency or its legitimate successor as evidence of the organization, functions, policies, operations, decisions, procedures, or other activities of any agency of the Government, or because of the informational value of the data contained therein.

23. NON-RECORD MATERIAL - The term "non-record material" as used herein means extra copies and duplicates the use for which is essentially temporary; shorthand notes, used carbon paper; preliminary drafts; and other material of similar nature.

PART III -- RESPONSIBILITIES

24. ALL PERSONNEL IN THE EXECUTIVE BRANCH

a. The responsibility for the protection, pursuant to these regulations, of classified security information shall rest upon each individual in the

RESTRICTED

D R A F TFOR NSC STAFF CONSIDERATION ONLY

RESTRICTED

Executive Branch having knowledge thereof, no matter how that information was obtained.

b. Each individual in the Executive Branch shall be directly responsible for familiarizing himself with and adhering to all regulations applicable to him which are issued for the protection of classified security information.

25. AUTHORITY FOR HEADS OF AGENCIES TO DELEGATE - The head of an agency may delegate the performance of any or all of the functions charged to him herein, but the ultimate responsibility for the safeguarding of classified security information within the agency shall remain with and rest upon the head of the agency, including:

a. Such additional instructions on the safeguarding of classified security information as requirements of his agency may dictate;

b. Security of his agency's messenger-courier systems for transmission of classified security information;

c. Authorization of appropriate officials within his agency to assign information to the proper security classification under these regulations. Authorizations to classify security information as "Top Secret ~~Security~~" or "Secret ~~Security~~" shall be held to the minimum necessary for the performance of required activities, and shall be maintained at a high level within the agency. The authorizations to classify security information as "Top Secret ~~Security~~" shall be substantially more limited in number than those for "Secret ~~Security~~" and shall be restricted to those officials whose functional requirements are such that they must have that authority;

d. Designation of those authorized to receive "Top Secret ~~Security~~"

RESTRICTED

D R A F TFOR NSC STAFF CONSIDERATION ONLY

RESTRICTED

security information;

e. Designation of officials responsible for "Top Secret ~~Security~~"
security information control;

f. Designation of individuals to be responsible for the security programs in the various organizational units of the agency;

g. Appropriate investigation and clearance of personnel who are to have access to classified security information;

h. Maintenance within his agency of a continuing review of the use of security classifications to insure uniform and proper application;

i. Procedures governing dissemination of classified security information outside his agency;

j. Procedures governing changes in security classification and the destruction of classified security information;

k. Thorough indoctrination of all individuals of his agency in security regulations and procedures;

l. Issuance of additional instructions pertaining to communications security, serial matter, Restricted Data (as hereinafter used) and other subjects requiring additional regulations.

PART IV

RULES GOVERNING SECURITY CLASSIFICATION,

UPGRADING, DOWNGRADING, AND DECLASSIFICATION

26. GENERAL CLASSIFICATION PRINCIPLES

a. Uniformity of application of classification. Uniformity of application of classification shall be a requirement for the proper safe-

RESTRICTED

D R A F TFOR NSC STAFF CONSIDERATION ONLY

RESTRICTED

guarding of classified security information. In accordance with paragraphs 3 and 4 of Part I hereof, in order to preserve the integrity of the security classifications "Top Secret ~~Security~~," "Secret ~~Security~~," "Confidential ~~Security~~," and "Restricted ~~Security~~," those terms shall be used only for the purpose of identifying information which must be safeguarded to protect the national security.

b. Use of Lowest Consistent Classification. To avoid over-classification and depreciation of the importance of properly classified security information and to avoid unnecessary delay in the handling and transmission of documents and other material, information shall be assigned the lowest security classification consistent with its proper protection. Use of the classification "Top Secret ~~Security~~" shall be held at an absolute minimum. Such classification shall be given only to information which plainly requires the highest degree of protection in the interest of national security. The major criterion for the assignment of this classification shall be recognition of the fact that unauthorized disclosure of security information so classified would or could cause exceptionally grave danger to the national security. The classification "Secret ~~Security~~" shall be given only to information which requires extraordinary protection in the interest of national security. The classification "Confidential ~~Security~~" shall be given to such information as requires careful protection in order to prevent disclosures which might harm national security. The classification "Restricted ~~Security~~" shall be applied to information having such bearing upon national security as to require protection against unauthorized use or disclosure, particularly information

RESTRICTED

D R A F TFOR NSC STAFF CONSIDERATION ONLY

RESTRICTED

which should be limited to official use.

c. Special Statutory use of term "Restricted Data." The term "Restricted ~~Security~~" as used herein shall not be confused with the term "Restricted Data," defined in the Atomic Energy Act of August 1, 1946 (60 Stat. 766, c. 724, Sec. 10(b) (1); 42 USC Sec. 1810(b) (1)) as follows:

"The term 'Restricted Data' as used in this section means all data concerning the manufacture or utilization of atomic weapons, the production of fissionable material, or the use of fissionable material in the production of power, but shall not include any data which the Commission from time to time determines may be published without adversely affecting the common defense and security."

Nothing in these regulations shall be construed to authorize the classification, downgrading or declassification of "Restricted Data," except by the Atomic Energy Commission in conformity with the provisions of the Atomic Energy Act.

27. SPECIAL CLASSIFICATION RULES

a. Change in Classification of Information. No change shall be made in the assigned classification of security information without the consent of the appropriate classifying authority; extracts from or paraphrases of classified documents shall likewise be maintained in the assigned security classification unless the consent of the appropriate classifying authority to downgrade or declassify such extract or paraphrase is secured or unless the agency making such extracts knows positively that they bear a security classification lower than that of the document from which extracted or that they are not classified.

b. Classified Telegrams shall not be referred to, extracted from, paraphrased, downgraded, declassified and disseminated except in accordance

RESTRICTED

D R A F TFOR NSC STAFF CONSIDERATION ONLY

RESTRICTED

with special regulations issued by the head of the originating agency.

Classified telegrams transmitted over cryptographic systems shall be handled in accordance with the regulations of the transmitting agency.

c. Security Information Originated by a Foreign Government. Security information of a classified nature within the meaning of these regulations, originated by a foreign government and furnished to the United States by that government, shall be assigned a security classification which will assure a degree of protection equivalent to or greater than that required by the originating government.

d. Documents in General. Documents shall be classified according to their own content and not necessarily according to their relationship to other documents. References to classified material which do not reveal classified security information shall not be classified.

e. Physically Connected Documents. The classification of a file or group of physically connected documents shall be at least as high as that of the most highly classified document therein. Documents separated from the file or group shall be handled in accordance with their individual security classification.

f. Multiple Classification. A document, product, or substance shall bear a classification at least as high as that of its highest classified components. The document, product or substance shall bear only one over-all security classification, notwithstanding that pages, paragraphs, sections, or components may bear different classifications.

g. A Letter Transmitting Security Information shall be classified at least as high as its highest classified enclosure.

RESTRICTED

D R A F TFOR NSC STAFF CONSIDERATION ONLY

RESTRICTED

28. UPGRADING

a. When security information is upgraded, the appropriate classifying authority shall, so far as possible, notify all addressees to whom the information was originally transmitted.

b. If the recipient of security information believes that its assigned classification is not sufficiently protective, he shall safeguard it in accordance with the classification he deems appropriate and shall bring his reasons for such belief to the attention of the appropriate classifying authority with a request for upgrading.

29. DOWNGRADING AND DECLASSIFICATION.

a. Automatic. Wherever practicable, the classifying official shall place a notation on classified security material, except telegrams, that after a specified event or date, or upon removal of classified enclosures the material will be downgraded or declassified.

b. Non-automatic. The appropriate classifying authority may downgrade or declassify security information when circumstances no longer warrant its retention in its original classification. When such information is downgraded or declassified the custodian of the record material, in the case of a document, or the custodian of the products or substances shall be so informed; and, when practicable, the other recipients of the material shall be similarly advised.

c. Review of Assigned Classifications. It shall be the responsibility and obligation of every government official to keep classified security information in his custody constantly under review, and to initiate action toward downgrading or declassification as soon as conditions warrant.

RESTRICTED

D R A F TFOR NSC STAFF CONSIDERATION ONLY

RESTRICTED

PART V

DISSEMINATION OF CLASSIFIED SECURITY INFORMATION

30. GENERAL - The safeguarding of classified security information pursuant to these regulations shall be the responsibility of every individual having custody thereof, but no person shall be entitled to knowledge or possession of, or access to, classified security information solely by virtue of his office or position.

Classified security information shall not be discussed with or in the presence of unauthorized persons, and the latter shall not be permitted to inspect or have access to such security information.

The head of each agency shall establish a system for controlling the dissemination of classified security information, adequate to the needs of his agency.

31. LIMITATIONS ON DISSEMINATION.

a. Within the Executive Branch. The dissemination of classified security information shall be limited to persons whose official duties require knowledge of such information. Special measures shall be employed to limit the dissemination of "Top Secret ~~Security~~" security information to the absolute minimum. Only that portion of "Top Secret ~~Security~~" security information necessary to the proper planning and appropriate action of any organizational unit or individual shall be released to such unit or individual.

b. Outside the Executive Branch. Classified security information shall not be disseminated outside the Executive Branch by any person or agency having access thereto or knowledge thereof except under conditions

RESTRICTED

D R A F TFOR NSC STAFF CONSIDERATION ONLY

RESTRICTED

and through channels authorized by the head of the disseminating agency, even though such person or agency may have been solely or partly responsible for its production.

c. Security Information Originating in Another Agency. Except as otherwise provided by Section 102 of the National Security Act of July 26, 1947, c. 343, 61 Stat. 498, as amended, 50 USC Sec. 403, classified security information originating in another agency shall not be disseminated outside the receiving agency without the consent of the originating agency.

"Top Secret ~~Security~~" and "Secret ~~Security~~" security documents and material shall not be reproduced without the consent of the originating agency.

d. Telephone Conversations. Classified security information shall not be revealed over the telephone, except that the head of an agency may permit the practice, within his agency, of so discussing security information classified as "Restricted ~~Security~~" which originated within his own agency.

32. LOSS OR SUBJECTION TO COMPROMISE. Any person in the Executive Branch who has knowledge of the loss or possible subjection to compromise of classified security information shall promptly report the circumstances to a designated official of his agency, and the latter shall take appropriate action forthwith, including advice to the originating office or agency.

RESTRICTED

D R A F T

RESTRICTED

FOR NSC STAFF CONSIDERATION ONLY

PART VI

RULES GOVERNING HANDLING OF CLASSIFIED

SECURITY INFORMATION

(Including Marking, Transmission, Storage,
and Destruction)

33. MARKING - After determination of the classification to be assigned, classified security information shall be marked in accordance with the procedures herein set forth. Existing "Top Secret ~~Security~~" or "Secret ~~Security~~" security material not now so marked shall be appropriately marked. Existing "Confidential ~~Security~~" or "Restricted ~~Security~~" security material, adequately stored but not properly marked, need not be marked until removed from such storage for use.

a. Documents

(1) Bound Documents. The assigned security classification on bound documents, such as books or pamphlets, the pages of which are permanently and securely fastened together, shall be conspicuously marked or stamped on the outside of the front cover, on the title page, on the first page, on the back page and on the outside of the back cover. In each case the markings shall be applied to the top and bottom of the page or cover.

(2) Unbound Documents. The assigned security classification on unbound documents, such as letters, memoranda, reports, telegrams, and other similar documents, the pages of which are not permanently and securely fastened together, shall be conspicuously marked or stamped at the top and bottom of each page, in such manner that the marking will be clearly visible when the pages are clipped or stapled together.

(3) Charts, Maps, and Drawings. Classified charts, maps, and drawings shall carry the security classification marking under the legend,

D R A F T

RESTRICTED

FOR NSC STAFF CONSIDERATION ONLY

title block, or scale in such manner that it will be reproduced on all copies made therefrom. Such security classification shall also be marked at the top and bottom in each instance.

(4) Photographs, Films and Recordings. Classified photographs, films, and recordings, and their containers, shall be conspicuously and appropriately marked with the assigned security classification.

b. Products or Substances. The assigned security classification shall be conspicuously marked on classified products or substances, if possible; on their containers, if possible; or, if the article or container cannot be marked, written notification of such security classification shall be furnished to recipients thereof.

c. Additional Markings.

(1) Material Furnished Persons not in Federal Service the Executive Branch of the Government. When classified security information affecting the national defense is furnished authorized persons, in or out of Federal service, other than those in the ~~Federal Service~~ Executive Branch, the following notation, in addition to the assigned classification marking, shall whenever practicable be placed on the material, on its container or on the written notification of its assigned classification;

"This material contains information affecting the national defense of the United States within the meaning of the espionage laws, Title 18, U.S.C., Secs. 793 and 794, the transmission or revelation of which in any manner to an unauthorized person is prohibited by law."

Use of alternative marking concerning "Restricted Data" as defined by the Atomic Energy Act is authorized when appropriate.

D R A F T

RESTRICTED

FOR NSC STAFF CONSIDERATION ONLY34. TRANSMISSIONa. Preparation of Classified Security Information for Transmission.(1) Outside an Agency.(a) "Top Secret ~~Security~~" and "Secret ~~Security~~" Security Material.

1. "Top Secret ~~Security~~" and "Secret ~~Security~~" security material shall be enclosed in opaque inner and outer covers.

2. The inner cover shall be a sealed wrapper or envelope plainly marked with the assigned security classification and address.

3. The outer cover shall be sealed and addressed with no indication of the security classification.

4. There shall be attached to or enclosed in the inner cover a receipt form containing no classified security information but identifying the addressor, addressee and the document; such receipt will be signed by the proper recipient and returned to the sender.

5. Written material shall be protected from direct contact with the inner cover by a cover sheet or by folding inward.

(b) "Confidential ~~Security~~" Security Material.

1. "Confidential ~~Security~~" security material shall be prepared for transmission in the same manner as that indicated for "Top Secret ~~Security~~" and "Secret ~~Security~~" security material, except that it shall be covered by a receipt only when the sender deems it necessary.

(c) "Restricted ~~Security~~" Security Material.

1. "Restricted ~~Security~~" security material shall be transmitted in a sealed wrapper or envelope without any indication of the

D R A F T

RESTRICTED

FOR NSC STAFF CONSIDERATION ONLY

security classification of the contents shown thereon.

2. No receipt shall be required for "Restricted ~~Security~~" security material.

(2) Within an Agency. Preparation of classified security information for transmission within an agency shall be governed by regulations, issued by the head of the agency, insuring a degree of security equivalent to that outlined above for transmission outside an agency.

b. Transmission of Classified Security Information.

(1) "Top Secret ~~Security~~" Security Material.

(a) The head of each agency shall designate Top Secret Control Officers to receive, maintain serial registers of, and dispatch all "Top Secret ~~Security~~" security material.

(b) The transmission of "Top Secret ~~Security~~" security information shall be effected ~~(1)~~ in the case of information in the possession of an investigative or intelligence branch of a department or agency of the United States, which is transmitted only to authorized personnel of such investigative or intelligence branch, by any means of communication currently approved by the head of such branch for use in transmitting "Top Secret ~~Security~~" information, or ~~(2)~~ in the case of all other information, preferably by direct contact of officials concerned or alternatively by specifically designated personnel, by State Department diplomatic pouch, by a messenger-courier system specially created for that purpose, or by electric means in encrypted form.

(or as a less preferable alternative to (b) above,
the following is acceptable):

D R A F T

RESTRICTED

FOR NSC STAFF CONSIDERATION ONLY

(b) The transmission of "Top Secret" security information shall be effected (1) preferably by direct contact of officials concerned or alternatively by specifically designated personnel, by State Department diplomatic pouch, by a messenger-courier system especially created for that purpose, or by electric means in encrypted form: (2) in the case of information originated by an investigative or intelligence branch of a department or agency of the United States, which is transmitted only to authorized personnel of such investigative or intelligence branch, by any means of communication currently approved by the head of such branch for use in transmitting "Top Secret" security information, except that such information shall not be construed to have originated in his branch if it is developed from "Top Secret" security information received from any other department or agency.

(2) "Secret ~~Security~~" Security Material shall be delivered transmitted within the continental United States by one of the means established for "Top Secret ~~Security~~" security material, by an authorized courier, ~~or~~ by United States registered mail, or by protected commercial express, air or surface. "Secret ~~Security~~" security material may be transmitted outside the continental limits of the United States by one of the means established for "Top Secret ~~Security~~" security material, by State Department diplomatic pouch, commanders or masters of vessels of United States registry, or by United States Post Office registered mail through Army, Navy or Air Force postal facilities, provided that the material does not at any time pass out of United States Government control and does not pass through a foreign postal system. "Secret ~~Security~~" security material

D R A F T

RESTRICTED

FOR NSC STAFF CONSIDERATION ONLY

may, however, be transmitted ~~to and from~~ between United States Government and/or Canadian Government installations in Continental United States, Canada and Alaska by United States and Canadian registered mail with registered mail receipt.

(3) "Confidential Security" Security Material shall be ~~delivered~~ transmitted within the United States by one of the means established for higher classifications, ~~by authorized courier, or by~~ ordinary mail, or by express or freight under such specific conditions as may be prescribed by the head of the department or agency concerned. Outside the continental United States, "Confidential Security" security material shall be transmitted in the same manner as authorized for higher security classification.

(4) "Restricted Security" Security Material shall be ~~delivered~~ transmitted within the continental United States by any means authorized for higher security classifications, or by ~~ordinary mail,~~ express or freight. "Restricted Security" security material shall be ~~delivered~~ transmitted outside the continental United States by one of the means established for higher security classifications, but registration of "Restricted Security" security material shall not be required when it is transmitted by Army, Navy or Air Force postal channels.

35. PHYSICAL SECURITY

a. Storage Facilities. Classified security information not in actual use by, or under direct observation of, an authorized person located in the same room shall be stored as set forth below:

(1) "Top Secret Security" Security Material shall be stored in the most secure facilities available. Normally it will be stored in a safe,

D R A F T

RESTRICTED

FOR NSC STAFF CONSIDERATION ONLY

a steel file cabinet, or other steel container having a three position dial-type combination lock and being of such weight, size, construction, or installation as to minimize possibility of physical theft or damage by fire or tampering. In lieu of such a container, the material may be stored in a secure room or vault approved for such use by the head of the agency and kept securely locked when not in use. Such approval shall not be construed to relieve the custodian of any responsibility for the safety of the classified security information. If the foregoing safeguards are not available, material so classified shall be kept under surveillance of an armed guard when not in use.

(2) "Secret ~~Security~~" and "Confidential ~~Security~~" Security Material shall be stored in a manner authorized for "Top Secret ~~Security~~" security material, or in metal file cabinets equipped with a steel lock-bar and an approved three combination dial-type padlock from which the manufacturer's identification numbers have been obliterated, or in comparably secure facilities approved by the head of the agency.

(3) "Restricted ~~Security~~" Security Material may be stored in a manner authorized for higher categories of classified security information, but ordinarily shall be stored in a container equipped with a reasonably secure locking device or other storage facility of comparable security approved by the head of the agency.

b. Inspections

(1) It shall be the responsibility of the individual charged with the custody of classified security information to accomplish the necessary inspections within his area, to insure that all procedural safeguards

D R A F T

RESTRICTED

FOR NSC STAFF CONSIDERATION ONLY

prescribed by these regulations are taken to protect such information at all times.

(2) In each agency, individuals shall be designated to make inspections on a room or area basis to insure that all classified security information has been properly and safely stored.

c. Safe Combinations

(1) Safe combinations shall be changed at least once a year; whenever a person knowing the combination is transferred from the office to which the safe is assigned; when a safe is first brought into an office; when the combination has been subjected to compromise; and at such other times as is deemed necessary.

(2) Knowledge of combinations shall be limited to the minimum necessary for operating purposes.

(3) Safe combinations shall be given a security classification equivalent to that of the most highly classified security information authorized by these regulations to be contained in the safe.

36. DESTRUCTION OF CLASSIFIED SECURITY INFORMATION

a. Types of Material Which May be Destroyed

(1) Record Material may be destroyed only in accordance with the Act of July 7, 1943, c. 192, 57 Stat. 380, as amended, 44 USC Secs. 366-380.

(2) Non-Record Material may be destroyed as soon as it has served its purpose.

b. Methods of Destruction. Classified record material, the destruction of which has been authorized, and classified non-record material shall be

D R A F T

RESTRICTED

FOR NSC STAFF CONSIDERATION ONLY

destroyed by the following methods under procedures established by the head of the agency:

(1) "Top Secret ~~Security~~", "Secret ~~Security~~" and "Confidential ~~Security~~" Security Documents shall be destroyed by burning; products and substances by an equally complete method of destruction; in each case in the presence of an appropriate official. Under the most unusual circumstances the head of an agency may authorize destruction of documents other than by burning, provided the resulting destruction is equally complete.

(2) "Restricted ~~Security~~" Security Material shall be destroyed by burning, shredding or reduction to pulp, or an equally complete method of destruction.

c. Records of Destruction. Appropriate records of destruction of security material classified "Top Secret ~~Security~~" and "Secret ~~Security~~" shall be maintained in accordance with procedures established by the head of the agency.

PART VII

INTERPRETATION OF REGULATIONS BY

THE ATTORNEY GENERAL

37. The Attorney General, upon request of the head of a department or agency or his duly designated representative, shall personally or through authorized representatives of the Department of Justice render an interpretation of these regulations in connection with any problems arising out of their administration.